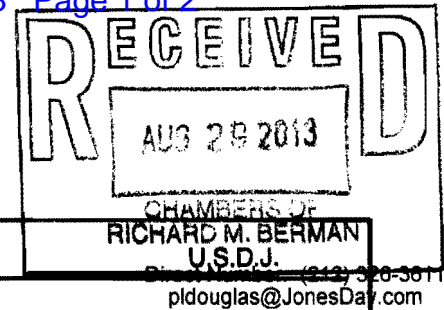


JONES DAY

222 EAST 41ST STREET • NEW YORK, NEW YORK 10017.6702
 TELEPHONE: +1.212.326.3939 • FACSIMILE: +1.212.755.7306



August 29, 2013

BY ECF & HAND DELIVERY

Honorable Richard M. Berman
 United States District Judge
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street
 New York, NY 10007-1312

**THE COURT PREFERENCES
 TO NOT ADJOURN THE
 9/26/13 CONFERENCE**

SO ORDERED:

Date: 8/29/13

Richard M. Berman
 Richard M. Berman, U.S.D.J.

Re: *Harbinger Capital Partners LLC, et al. v. Deere & Co., et al.*, Case No. 13-cv-5543
 (RMB)

Dear Judge Berman:

We represent defendant Garmin International, Inc. ("Garmin") in connection with the above-captioned proceeding. We write on behalf of defendants Deere & Co., Trimble Navigation Ltd., The U.S. GPS Industry Council, and Garmin (collectively, the "Defendants")¹ to request an adjournment of the pre-trial conference scheduled for September 26, 2013 and of the dates for the Defendants to move or otherwise respond to the Amended Complaint. We have spoken to Grippo & Elden LLC, counsel for Plaintiffs, who have agreed, subject to the Court's approval, to the schedule set forth below.

By way of background, Plaintiffs filed the seventy-page Amended Complaint on August 16, 2013. That pleading seeks damages of \$1.9 billion based on alleged Rule 10b-5 violations and state law claims sounding in fraud, negligent misrepresentation, equitable estoppel and deceptive acts under New York General Business Law § 349. These claims implicate years of proceedings before the Federal Communications Commission regarding the proposal of entities owned by Plaintiffs to use mobile satellite spectrum for a high-powered terrestrial wireless broadband network and potential interference that such use would cause to GPS devices manufactured by some of the Defendants, and used by the U.S. military, the Federal Aviation Administration, public safety entities, and others. Defendants' counsel have recently been retained and require additional time to analyze these claims, coordinate among themselves to

¹ To the Defendants' understanding, the remaining defendant, The Coalition to Save Our GPS (the "Coalition"), is not an entity that has the capacity to be sued, but rather an unincorporated association, which over time may have had more than 200 participants. The parties have discussed, and are attempting to reach a consensual resolution of, this issue.

The Honorable Richard M. Berman
August 29, 2013
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ensure efficiency in proceedings before the Court, and otherwise prepare for this case. In the meantime, we hope the issues regarding the remaining defendant will be resolved.

The parties are available for an initial pre-trial conference on October 15, 17 or 18, or any subsequent date convenient to the Court. As we have advised Plaintiffs, Defendants anticipate motions directed to the face of the Amended Complaint. The parties have accordingly agreed that: (i) Defendants' time to file the pre-motion letter required by the Court's rules will be due one week before the conference date set by the Court, (ii) Plaintiffs' response will be due three days before the conference, and (iii) the time for Defendants and the Coalition to move against or otherwise respond to the Amended Complaint will be adjourned to a date to be set at the conference. A case management plan will be submitted to the Court in advance of the conference.

No previous requests for extensions of time to respond to the Amended Complaint have been made. On August 26, 2013, Plaintiffs requested an adjournment of the pre-trial conference originally scheduled for September 10, 2013, which the Court granted.

We would be pleased to respond to any questions that the Court may have.

Respectfully,


Philip Le B. Douglas

cc by email: Todd C. Jacobs, Esq., Grippo & Elden LLC (Counsel for Plaintiffs)
Matthew S. Dontzin, Esq., Dontzin Nagy & Flessig LLP (Counsel for Plaintiffs)
Michael D. Hays, Esq., Dow Lohnes PLLC
(Counsel for Garmin International, Inc.)
William A. Isaacson, Esq., Boies, Schiller & Flexner LLP
(Counsel for Trimble Navigation Ltd.)
Kenneth I. Schacter, Esq., Bingham McCutchen LLP (Counsel for Deere & Co.)
Steven R. Schindler, Esq., Schindler Cohen & Hochman LLP
(Counsel for The U.S. GPS Industry Council)